

The **Board of Examiners for Nursing** held a meeting on May 5, 2010 at 61 Woodland Street, Room B-39, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Mary M. Brown, RN
Tarah Cherry, Public Member
Amanda Campbell, RN
Heidi Darling, LPN
Veronica Kivela, Public Member
Jennifer Long, APRN
Katherine Pellerin, RN
Maria Pietrantuono, RN
Donna Roberts, LPN
Mertie Terry, Public Member

BOARD MEMBERS ABSENT: Kathy K. Shea, Public Member

ALSO PRESENT: Stacy M. Owens, Counsel to the Board, DPH
Jennifer Filippone, Section Chief, DPH
Kathleen Boulware, Public Health Services Manager, DPH
Diane Cybulski, Supervising Nurse Consultant, DPH
Pamela Pelletier, Nurse Consultant, DPH
Nancy Stefanski, Nurse Consultant, DPH
Bonnie Pinkerton, Nurse Consultant, DPH
Matthew Antonetti, Staff Attorney, Legal Office, DPH
Linda Fazzina, Staff Attorney, Legal Office, DPH
Joelle Newton, Staff Attorney, Legal Office, DPH
Leslie Scoville, Staff Attorney, Legal Office, DPH
Ellen M. Shanley, Staff Attorney, Legal Office, DPH
Diane Wilan, Staff Attorney, Legal Office, DPH
Janice E. Wojick, Administrative Assistant, DPH
Gail Gregoriades, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:35 AM.

STUDENTS

There were no students in the audience.

CHAIR UPDATES

There were no updates from the Chair or Board Members.

OPEN FORUM

There were no questions or comments from the audience.

LEGISLATIVE UPDATE

Jennifer Filippone provided the Board with an update on Legislative Issues and stated that nothing had passed yet. Today is the last day of the 2010 Legislative Session. Ms. Filippone stated that she could attend the next Board Meeting and provide an update to the Board.

SCHOOL ISSUES – NCLEX SCORES – FIRST QUARTER 2010

The CT NCLEX-RN pass rate is currently 91.67% for the first quarter.

The NCLEX-RN pass rate concern was for Sacred Heart University was 75% which Dr. Barker disagrees with as they did not graduate any students during the first quarter of 2010. The Board will review the pass rates after the second quarter of 2010.

The CT NCLEX-PN pass rate is currently 91.59% for the first quarter. LPN Programs with pass rate concerns were Henry Abbott Tech, Stone Academy – East Hartford Campus, and Lincoln Tech – Shelton Campus.

Henry Abbott Tech had a borderline pass rate of 80%. Program is now closed due to the Governor's Budget Mitigation Plan.

The East Hartford Campus of Stone Academy had a pass rate of 73%. Donna Bys and Mary Ann Cirone did address some of the issues and turned in an action plan and remediation plan which will be provided to the Board Members and placed on the agenda for the next meeting on May 19, 2010.

The Shelton Campus of Lincoln Tech had a borderline pass rate of 80.56%. Jo-Ann Dean spoke to the action plan which would be provided to the Board Members and placed on the agenda for the next meeting on May 19, 2010.

SCHOOL ISSUES – LINCOLN TECHNICAL INSTITUTE – TWELVE MONTH CURRICULUM PROPOSAL

Jo-Ann Dean, Program Administrator for the Lincoln Technical sites, was present to discuss the twelve-month curriculum proposal with the Board. Lincoln Tech would like to implement the 12-month program in September 2010 if approved by the Board. Clinical days will now consist of 9 hours instead of 6.5 hours, and class/theory/lab days will continue to be 6 hours in length. The program is currently approved for 1591 hours. Katherine Pellerin moved and Mary Brown seconded to approve the 12-month LPN program effective in September of 2010. The motion passed with all in favor except Tarah Cherry who was opposed.

It was requested that the 5-year self-study be moved to October 2011 to encompass all existing LPN programs. Tarah Cherry moved and Katherine Pellerin seconded to approve the date change for the self-study. The motion passed unanimously.

SCHOOL ISSUES - IAS LPN ON-LINE REFRESHER PROGRAM APPROVAL

The Board reviewed the documentation provided by Innovative Academic Solutions (IAS) requesting to be included on the list of approved LPN refresher courses. Katherine Pellerin moved and Maria Pietrantuono seconded to deny this request based upon insufficient information including course descriptions, course requirements and expectations, content of self-study modules, and copies of the study guides required for each module. The motion passed unanimously.

NCSBN UPDATE

Nationwide NCLEX-RN pass rate is 89.91% and NCLEX-PN pass rate is 86.26%.

Delegate Assembly will be held in Portland, Oregon with potential openings for two Board Members to attend.

CORRESPONDENCE AND STATISTICS

Diane Cybulski reviewed the March incoming calls with the Board.

MEMORANDA OF DECISION

SARA CANFIELD-HORNIG, RN

Donna Roberts moved and Katherine Pellerin seconded to affirm the Board's prior decision to revoke Ms. Canfield-Hornig's Registered Nurse license. The motion passed with all in favor with one abstention, Mertie Terry. Chair Bouffard signed the Order.

JENIFER FRANCESCHI-BAXTER, RN

After review of this document it was the unanimous decision of the Board to table the signing of this Order for editing.

KOKUMO LAURAY, LPN

Maria Pietrantuono moved and Heidi Darling seconded to affirm the Board's prior decision to revoke Ms. Lauray's Practical Nurse license. The motion passed unanimously. Chair Bouffard signed the Order.

The meeting recessed for ten minutes at 10:25 AM.

MOTION FOR SUMMARY SUSPENSION – DAVID ZABOROWSKI, LPN

Legal Office Attorney Diane Wilan was present representing the Department of Public Health. Mr. Zaborowski was present with representation, Attorney Ellen Costello. Amanda Campbell moved and Veronica Kivella seconded that the Motion for Summary Suspension be granted. The motion failed as Tarah Cherry, Mertie Terry, Katherine Pellerin, Heidi Darling, Maria Pietrantuono, and Mary Brown were opposed. This case will be scheduled for hearing on August 18, 2010.

MOTION FOR SUMMARY SUSPENSION - CHRYSTAL MOORE, RN

Legal Office Attorney Leslie Scoville was present representing the Department of Public Health. Ms. Moore was not present and did not have representation at this meeting. Maria Pietrantuono moved and Katherine Pellerin seconded that the Motion for Summary Suspension be granted. The motion passed with all in favor with the exception of Chair Bouffard who was opposed and Tarah Cherry who abstained. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for May 19, 2010. Jennifer Long arrived at this time.

MOTION FOR SUMMARY SUSPENSION - TAMMY LABRECQUE, LPN

Legal Office Attorney Ellen M. Shanley was present representing the Department of Public Health. Ms. Labrecque was not present and did not have representation at this meeting. Katherine Pellerin moved and Mary Brown seconded that the Motion for Summary Suspension be granted. The motion passed unanimously. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for May 19, 2010.

MOTION FOR SUMMARY SUSPENSION - KAREN INGLES, LPN

Legal Office Attorney Joelle Newton was present representing the Department of Public Health. Ms. Ingles was not present and did not have representation at this meeting. Donna Roberts moved and Heidi Darling seconded that the Motion for Summary Suspension be granted. The motion passed unanimously. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for May 19, 2010.

MOTION FOR SUMMARY SUSPENSION - LYNN KUCZENSKI, LPN

Legal Office Attorney Joelle Newton was present representing the Department of Public Health. Ms. Kuczenski was not present and did not have representation at this meeting. Amanda Campbell moved and Donna Roberts seconded to grant the Motion for Summary Suspension. The motion passed with all in favor with one abstention, Tarah Cherry. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for May 19, 2010.

INTERIM CONSENT ORDER – LORNA LOWENSKI TORRES, LPN

Legal Office Attorney Matthew Antonetti was present representing the Department of Public Health. Ms. Torres was not present and did not have representation at this meeting. Maria Pietrantuono moved and Amanda Campbell seconded that the Interim Consent Order be granted. The motion passed unanimously. Chair Bouffard signed the Interim Consent Order which will remain in effect until the petition is resolved.

CONSENT ORDER – JOAN McHUGH, LPN

Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Ms. McHugh was not present and did not have representation at this meeting. Heidi Darling moved and Donna Roberts seconded to deny the Consent Order as presented. The motion passed unanimously. The Board recommended a psych evaluation, additional coursework, and increase the civil penalty to \$1,000.00.

CONSENT ORDER – WILLIAM DiCHELLO, LPN

Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Mr. DiChello was not present and did not have representation at this meeting. Amanda Campbell moved and Jennifer Long seconded to grant the Consent Order as presented. The motion failed as all were opposed with the exception of Amanda Campbell and Tarah Cherry who were in favor. The Board made the following recommendations: successfully complete coursework in Ethics, increase the frequency of employer reports to monthly, probation for one year, and drug evaluation by an appropriate substance abuse provider.

HEARING – RUTH DUSHAY, RN

Today is the third day of Ms. Dushay's hearing. All Board Members were provided with prior transcripts and exhibits. Legal Office Attorney Linda Fazzina was present representing the Department of Public Health. Ms. Dushay was present without representation at this hearing. Testimony was provided by Lynn Keenan, LADC, and Ms. Dushay. The Board moved into Executive Session to question Ms. Keenan regarding Ms. Dushay's treatment records. The Board recessed for lunch at 1:10 PM for thirty minutes at which time Mertie Terry left for the day. Testimony resumed after lunch break. The hearing closed.

Katherine Pellerin moved and Amanda Campbell seconded that Ms. Dushay be found on all charges. The motion passed unanimously.

Katherine Pellerin moved and Heidi Darling seconded that Ms. Dushay's license be revoked. The motion failed as Katherine Pellerin, Amanda Campbell, Maria Pietrantuono, Donna Roberts, and Heidi Darling were in favor and Chair Bouffard, Tarah Cherry, Mary Brown, Veronica Kivella, and Jennifer Long were opposed. This was a tie vote. Stacy Owens advised the Board that when there is a tie, it goes in favor of the Respondent.

A new motion was raised by Jennifer Long, seconded by Veronica Kivella, to place Ms. Dushay's license on suspension for six months with concurrent probation for four years with the following terms: drug/alcohol screen testing weekly during the entire four year period with additional EtG urine testing for alcohol randomly once per month, monthly employer and therapist reports, no access to narcotic keys for the first year of Ms. Dushay's return to work as a nurse, no unsupervised nursing such as pool nursing, working at a home health agency, etc., and the summary suspension remains in place. The vote remained a tie vote as Chair Bouffard, Tarah Cherry, Mary Brown, Veronica Kivella, and Jennifer Long were in favor, and Katherine Pellerin, Amanda Campbell, Maria Pietrantuono, Donna Roberts, and Heidi Darling were opposed.

All Board Members will be provided with the transcript from this hearing. Board Member Kathy Shea will also be provided with exhibits from this hearing, and the Board will revote at the June 2, 2010 meeting. The Board questioned Stacy Owens as to whether or not they could add language to the Memorandum of Decision that if new charges arise regarding Ms. Dushay in the future, that Ms. Dushay's license would automatically be revoked. Attorney Owens will check whether or not this language can be added to the Memorandum of Decision.

ADJOURNMENT

It was the unanimous decision of the Board Members present that this meeting be adjourned at 3:00 PM.

The **Board of Examiners for Nursing** held a meeting on May 19, 2010 at the Legislative Office Building, Room 1-A, 300 Capitol Avenue, Hartford, Connecticut

BOARD MEMBERS PRESENT: Patricia Bouffard, RN, Chair
Tarah Cherry, Public Member
Veronica Kivela, Public Member
Jennifer Long, APRN
Katherine Pellerin, RN
Maria Pietrantuono, RN
Donna Roberts, LPN
Kathy K. Shea, Public Member
Mertie Terry, Public Member

BOARD MEMBERS ABSENT: Mary M. Brown, RN
Amanda Campbell, RN
Heidi Darling, LPN

ALSO PRESENT: Olinda Morales, Counsel to the Board, DPH
Jennifer Filippone, Section Chief, DPH
Kathleen Boulware, Public Health Services Manager, DPH
Diane Cybulski, Supervising Nurse Consultant, DPH
Pamela Pelletier, Nurse Consultant, DPH
Bonnie Pinkerton, Nurse Consultant, DPH
Matthew Antonetti, Staff Attorney, Legal Office, DPH
Joelle Newton, Staff Attorney, Legal Office, DPH
Leslie Scoville, Staff Attorney, Legal Office, DPH
Ellen M. Shanley, Staff Attorney, Legal Office, DPH
Diane Wilan, Staff Attorney, Legal Office, DPH
Jeffrey A. Kardys, Administrative Hearings Specialist, DPH
Janice E. Wojick, Administrative Assistant, DPH
Pohn Kwee, Secretary II, DPH
Tynan E. Cooney, Court Reporter

Chair Patricia Bouffard called the meeting to order at 8:30 AM.

STUDENTS

Chair Bouffard welcomed students from the University of Connecticut and Vinal Technical High School Evening LPN Program.

Chair Bouffard provided the students with an overview of the Board's responsibilities, jurisdiction, and nursing education programs.

SCHOOL ISSUES – STONE ACADEMY – PLAN OF ACTION

Donna Bys and Mary Ann Cirone discussed with the Board their corrective action plan which has been put into place to ensure that the program's NCLEX scores remain the 80th percentile as per the regulations. Katherine Pellerin moved and Mertie Terry seconded to accept the action plan. The motion passed unanimously.

SCHOOL ISSUES – LINCOLN TECH – PLAN OF ACTION SHELTON CAMPUS

The Board reviewed the action plan from Lincoln Tech. Katherine Pellerin moved and Jennifer Long seconded to accept the corrective action plan for the Shelton evening program to ensure that the program's NCLEX scores remain the 80th percentile as per the regulations. The motion passed unanimously.

CONSENT ORDER – LYNNE M. FOX, RN, LPN

Legal Office Attorney Leslie Scoville presented the Board with a Consent Order for Lynne Fox. Ms. Fox was not present. Attorney Michael Rigg was present for the Respondent. Maria Pietrantuono moved and Katherine Pellerin seconded to reject the Consent Order as written. The motion failed. Jennifer Long moved and Katherine Pellerin seconded to accept the Consent Order as written. The motion passed unanimously.

MOTION FOR SUMMARY SUSPENSION – MUKAILA OBAJINMI, RN

Legal Office Attorney Matthew Antonetti presented the Board with a Motion for Summary Suspension regarding Mr. Obajinmi. Mr. Obajinmi was not present and did not have representation at this meeting. Jennifer Long moved and Tarah Cherry seconded that the Motion for Summary Suspension be granted. The motion passed unanimously. Chair Bouffard signed the Summary Suspension Order and the Notice of Hearing scheduling the hearing for June 2, 2010 at 9:45 AM.

INTERIM CONSENT ORDER – DARLENE A. DONOGHUE-ANEKWE, RN

Legal Office Attorney Matthew Antonetti presented the Board with an Interim Consent Order for Darlene Donoghue-Anekwe. Ms. Donoghue-Anekwe was not present and was not represented at this meeting. Donna Roberts moved and Veronica Kivela seconded to grant the Interim Consent Order which will remain in place until the petition is resolved. The motion passed unanimously. Chair Bouffard signed the Interim Consent Order.

MEMORANDA OF DECISION

Jeffrey A. Kardys presented the Board the following Memoranda of Decision.

HELEN SPENCER, RN

Katherine Pellerin moved and Jennifer Long seconded to affirm the Board's prior decision to place Ms. Spencer's license on probation for one year. The motion passed unanimously.

BRYAN SHERMAN, LPN

Maria Pietrantuono moved and Donna Roberts seconded to affirm the Board's prior decision to place Mr. Sherman's license on probation for one year. The motion passed unanimously.

ETHLYN CHERRINGTON, LPN

Jennifer Long moved and Maria Pietrantuono seconded to affirm the Board's prior decision to place Ms. Cherrington's license on probation for six months with a civil penalty payable during the probationary period. The motion passed unanimously.

JENIFER FRANCESCHI-BAXTER, RN

Donna Roberts moved and Tarah Cherry seconded to affirm the Board's prior decision to place Ms. Franceschi-Baxter's license on suspension for six months with concurrent probation and civil penalty. The motion passed unanimously.

HEARING – KAREN INGLES, LPN

Ms. Ingles contacted the Board Office on Friday, May 14, 2010 requesting a continuance until the end of June. She stated she was in-patient at Rushford. She also stated she was not allowed to send a fax but would have her counselor fax a continuance request and the fax number was provided to her. To date, the Board Office has not received any further communication from Ms. Ingles. Attorney Joelle Newton, representing the Department of Public Health, argued in opposition to the request for continuance. Jennifer Long moved, seconded by Tarah Cherry, to deny the continuance request and to move forward with the hearing at this meeting. The motion passed unanimously. There was no testimony provided. Attorney Newton provided the Department's Exhibits to the Board. The hearing closed.

Jennifer Long moved, seconded by Donna Roberts, to find Ms. Ingles as charged. The motion passed unanimously.

Jennifer Long moved, seconded by Donna Roberts, to revoke Ms. Ingles' license. The motion passed unanimously.

HEARING – LYNN KUCZENSKI, LPN

Legal Office Attorney Joelle Newton was present representing the Department of Public Health. Ms. Kuczenski was present without representation at this hearing. A continuance was granted to pursue a Voluntary Surrender Agreement.

HEARING – VICKI MROSEK, RN

Legal Office Attorney Diane Wilan was present representing the Department of Public Health. This hearing was continued to June 2, 2010 to pursue a Voluntary Surrender Agreement.

MOTION TO WITHDRAW STATEMENT OF CHARGES – LYNN KUCZENSKI, LPN

Legal Office Attorney Joelle Newton presented the Board with a Motion to Withdraw Statement of Charges. Katherine Pellerin moved, seconded by Tarah Cherry, to accept the Motion to Withdraw based on Ms. Kuczenski's signed Voluntary Surrender. The motion passed with all in favor.

ADJOURNMENT

It was the unanimous decision of the Board Members present that this meeting be adjourned at 10:55 AM.